

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION AT MEMPHIS

FILED BY *gf* D.C.
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THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
W/D OF TN, MEMPHIS

MARY BOYKIN, and
GEORGE BOYKIN, Husband,

Plaintiffs,

v.

WAL-MART A.K.A. WAL-MART
SUPERCENTER, WAL-MART
STORES, WAL-MART REAL
ESTATE BUSINESS TRUST, and
JANE and/or JOHN DOE(S),

Defendants.

CIVIL ACTION NO. 05-2412 DV

~~PROPOSED~~ RULE 16(b) SCHEDULING ORDER

Pursuant to Rule 26 (f), the parties held a planning conference on August 5, 2005.

Present for the conference were:

Robert M. Brannon, Jr., counsel for Plaintiffs;

Clinton J. Simpson, counsel for Defendant.

Pursuant to Rule 26(f), the parties reported that initial disclosure as required by Rule 26(a)(1) will be made by the parties on or before September 9, 2005.

Pursuant to and in accordance with Rule 26(f) proposed discovery plan submitted by the parties, as amended, the following dates were established as the final dates for:

- A. JOINING PARTIES: October 28, 2005
- B. AMENDING PLEADINGS: October 28, 2005
- C. INITIAL MOTIONS TO DISMISS: November 30, 2005

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- D. COMPLETING ALL DISCOVERY: May 1, 2006
 - 1. DOCUMENT PRODUCTION: May 1, 2006
 - 2. INTERROGATORIES AND REQUESTS FOR ADMISSIONS: May 1, 2006
 - 3. DEPOSITIONS: May 1, 2006
 - 4. EXPERT DISCLOSURE (Rule 26):
 - (i) DISCLOSURE OF PLAINTIFFS' RULE 26 EXPERT INFORMATION: March 3, 2006
 - (ii) DISCLOSURE OF DEFENDANT'S RULE 26 EXPERT INFORMATION: April 3, 2006
- E. WITNESSES AND EXHIBITS UNDER RULE 26(a)(3):
 - (i) PLAINTIFFS' FINAL LISTS OF WITNESSES AND EXHIBITS UNDER RULE 26(a)(3) DUE: 45 days before trial
 - (ii) DEFENDANT'S FINAL LISTS OF WITNESSES AND EXHIBITS UNDER RULE 26(a)(3) DUE: 30 days before trial
- F. PARTIES HAVE 30 DAYS AFTER SERVICE OF FINAL LISTS OF WITNESSES AND EXHIBITS TO LIST OBJECTIONS UNDER RULE 26(a)(3).
- G. FILING DISPOSITIVE MOTIONS: June 2, 2006

Other Relevant Matters:

All motions, requests for admissions, or other filings that require a response must be filed sufficiently in advance of the discovery cutoff date to enable opposing counsel to respond by the time permitted by the Rules prior to that date.

Motions to compel discovery are to be filed and served by the discovery deadline or within 30 days of the default or the service of the response, answer, or objection, which is the subject of the motion, if the default occurs within 30 days of the discovery deadline, unless the

time for filing of such motion is extended for good cause shown, or the objection to the default, response, answer, or objection shall be waived.

This case is set for jury trial. Counsel for the parties anticipate that two (2) to three (3) days will be needed to try this case.

The opposing party may file a response to any motion filed in this matter. Neither party may file an additional reply, however, without leave of the court. If a party believes that a reply is necessary, it shall file a motion for leave to file a reply accompanied by a memorandum setting forth the reasons for which a reply is required.

The parties have not consented to trial before the magistrate judge.

The parties will enter into private mediation within one (1) month after the close of discovery.

This order has been entered after consultation with trial counsel pursuant to notice. Absent good cause shown, the scheduling dates set by this order will not be modified or extended.

Stipulated by the parties this 5th day of August, 2005.

Plaintiff Counsel:

Robert M. Brannon, Jr. by cfs
Robert M. Brannon, Jr.
Attorney for Plaintiffs

Defense Counsel:

Clinton J. Simpson
Clinton J. Simpson
Attorney for Defendant

Adopted by the Court this 19th day of August, 2005.

Diane K. Korno
U. S. Magistrate Judge



Notice of Distribution

This notice confirms a copy of the document docketed as number 7 in case 2:05-CV-02412 was distributed by fax, mail, or direct printing on August 24, 2005 to the parties listed.

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Honorable Bernice Donald
US DISTRICT COURT